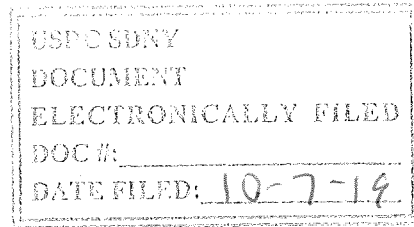


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



-----X
LUIS GUZMAN,

Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,
Defendant.
-----X

ORDER

15 CV 3920 (VB)

Briccetti, J.:

Before the Court is Magistrate Judge Lisa M. Smith's Report and Recommendation ("R&R"), dated August 1, 2019 (Doc. #37), on plaintiff's motion for approval of the contingent fee agreement between himself and his attorney pursuant to 42 U.S.C. § 406(b). Judge Smith recommended the Court grant plaintiff's motion for attorney's fees in the amount of \$16,712.25 and order plaintiff's counsel promptly to refund to plaintiff \$6,130.00, the amount of attorney's fees previously awarded under the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412.

A district court reviewing a magistrate judge's report and recommendation "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). Parties may raise objections to the magistrate judge's report and recommendation, but they must be "specific[,] written," and submitted within fourteen days after being served with a copy of the recommended disposition, Fed. R. Civ. P. 72(b)(2); 28 U.S.C. § 636(b)(1), or within seventeen days if the parties are served by mail. See Fed. R. Civ. P. 6(d).

Neither party objected to Judge Smith's thorough and well-reasoned R&R. The Court further has carefully reviewed the R&R and finds no error, clear or otherwise.

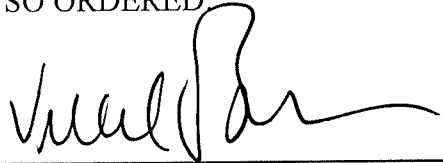
Accordingly, the Court adopts the R&R as the opinion of the Court, and plaintiff's motion for approval of the contingent fee agreement is GRANTED. Plaintiff's counsel is entitled to recover \$16,712.25 in attorney's fees under 42 U.S.C. § 406(b). However, upon

plaintiff's counsel's receipt of funds awarded under 42 U.S.C. § 406(b), plaintiff's counsel promptly shall refund directly to plaintiff the \$6,130.00 he received under the EAJA.

The Clerk is instructed to terminate the motion (Doc. #32).

Dated: October 7, 2019
White Plains, NY

SO ORDERED:

A handwritten signature in black ink, appearing to read 'Vincent L. Briccetti', written over a horizontal line.

Vincent L. Briccetti
United States District Judge